Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant Ent 486450 Bk 731 Pg 391-403
Date: 27-MAY-2008 2:29PM
Fee: None
Filed By: PL
MERLENE MOSHER DALTON, Recorder
GRAND COUNTY CORPORATION
For: STATE OF UTAH

### THE STATE OF UTAH

# TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Grand County as it pertains to the highway located in Grand County known as FLOY BENCH ROAD; County Road Number: 00330; State Geographic Information Database (SGID) Road Identification Number: RD100159. Total road length is 3.9 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the Zhalday of myy, 2008.

By the Governor's Designee

John Haria

### CERTIFICATION

State of Utah ) : ss County of Salt Lake )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

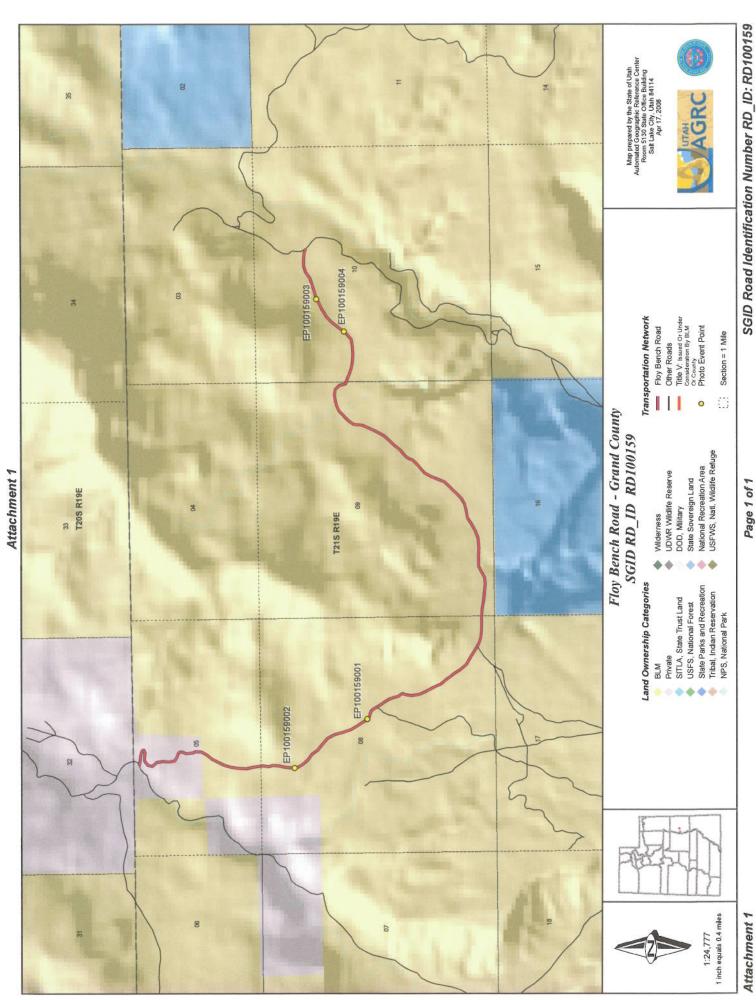
NOTARY PUBLIC
PAMELA Z. BLACKMAM
5110 State Office Bidg
Salt Lake City, Utah 84114
COMMISSION EXPIRES
May 3, 2011
STATE OF UTAH

Dated this 22 nd day of May, 2008.

Pamela 3. Blackhan

Notary Public

Ent 486450 Bk 0731 Pg 0392



#### Attachment 2









EP000000000

Ent 486450 Bk 0731 Pg 0394

EP000000000



Floy Bench Road - Grand County SGID RD\_ID RD100159

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 April 14, 2008



### Attachment 3

### Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: FLOY BENCH ROAD

County: Grand

County Road Number: 00330

State Geographic Information Database (SGID) Road Identification Number: RD100159.

Total Road Length: 3.9 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 00 minutes 55.19 seconds North Latitude and -109 degrees 50 minutes 043.2 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,110,556.4 feet and Y = 6,814,427.7 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 00 minutes 16.77 seconds North Latitude and -109 degrees 48 minutes 17.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,122,146.8 feet and Y = 6,810,757.1 feet based on the US Survey Foot conversion.

This road may traverse:

Township 21 South Range 19 East, Section(s) 5,8,9,10, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

# Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: FLOY BENCH ROAD

County: Grand

County Road Number: 00330

State Geographic Information Database (SGID) Road Identification Number: RD100159.

Total Road Length: 3.9 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD100159	001	PVT	0.41 Miles	(not shown)
RD100159	002	BLM	3.49 Miles	A
		Total Road Length	3.9	

<sup>\*</sup> Indicates that a Title V permit will be requested, is in process, or has been issued.

<sup>†</sup> Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

# Attachment 5

Ent 486450 Bk 0731 Pg 0397

# AFFIDAVIT OF JAMES D. NYLAND, SR.

# FLOY BENCH ROAD

# **COUNTY ROAD NUMBER 00330**

## GRAND COUNTY, UTAH

State of Utah	)
	: ss
County of Grand	)

JAMES D. NYLAND, SR. being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Grand County for 50 years. I have been the Grand County Sheriff since 1978.
- 2. I have traveled and am familiar with a road in Grand County known as Floy Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s, it followed the same route as in 2003 when I last observed it. Attached is a Grand County map showing Floy Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to 2003. Throughout this time period I have observed travel on the road by various means, including ATVs, trucks and jeeps. Throughout this time period, the road

has been used monthly, weather permitting, for more than ten continuous years prior to 1976, and was used monthly, weather permitting in 2003.

- 4. Throughout the time period from the early 1960s to 2003, I have used the road myself for hunting, law enforcement, traveling in and through the area and recreation.
- 5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus rock hounding and uranium prospecting.
- 6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
  - 7. Prior to 1976, I observed the graded surface of the road.

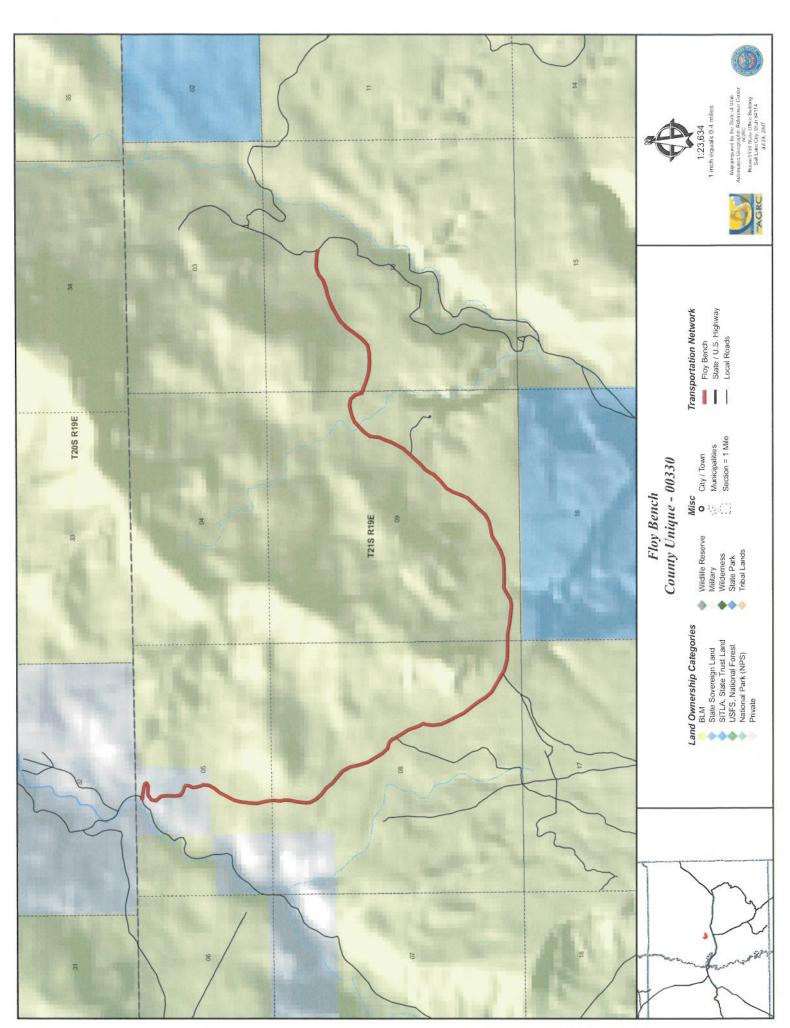
    Dated this 2 day of August, 2007.

JAMES D. NYLAND. SR.

SUBSCRIBED AND SWORN to before me this day of August, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



Ent 486450 Bk 0731 Pg 0400

### AFFIDAVIT OF NEAL SWISHER

#### FLOY BENCH ROAD

### GRAND COUNTY, UTAH

#### **ROAD NUMBER 00330**

State of Utah	)	
	: ss.	
County of Grand	)	

NEAL SWISHER, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Moab, Grand County, Utah. I have lived in Grand
  County since 1960. I worked in the oil fields of Grand County until I retired in the early 1990s.
- 2. I have traveled and am familiar with a road in Grand County known as Floy Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in 2007 when I last observed it.

  Attached is a Grand County map showing Floy Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
  - 3. The County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 2007. Throughout this time period I observed travel on the road by means of jeeps, pickup trucks and ATVs. During this time period, the road was used weekly for more than ten continuous years prior to 1976 and was used daily in 2007.
- 5. Throughout the time period from the early 1960s to 2007, I used the road myself for oil field work, rock hounding and recreation.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus, livestock operations, prospecting for minerals, mining, oil and gas exploration development and sightseeing.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed road graders and heavy equipment performing maintenance and construction activities on the road.

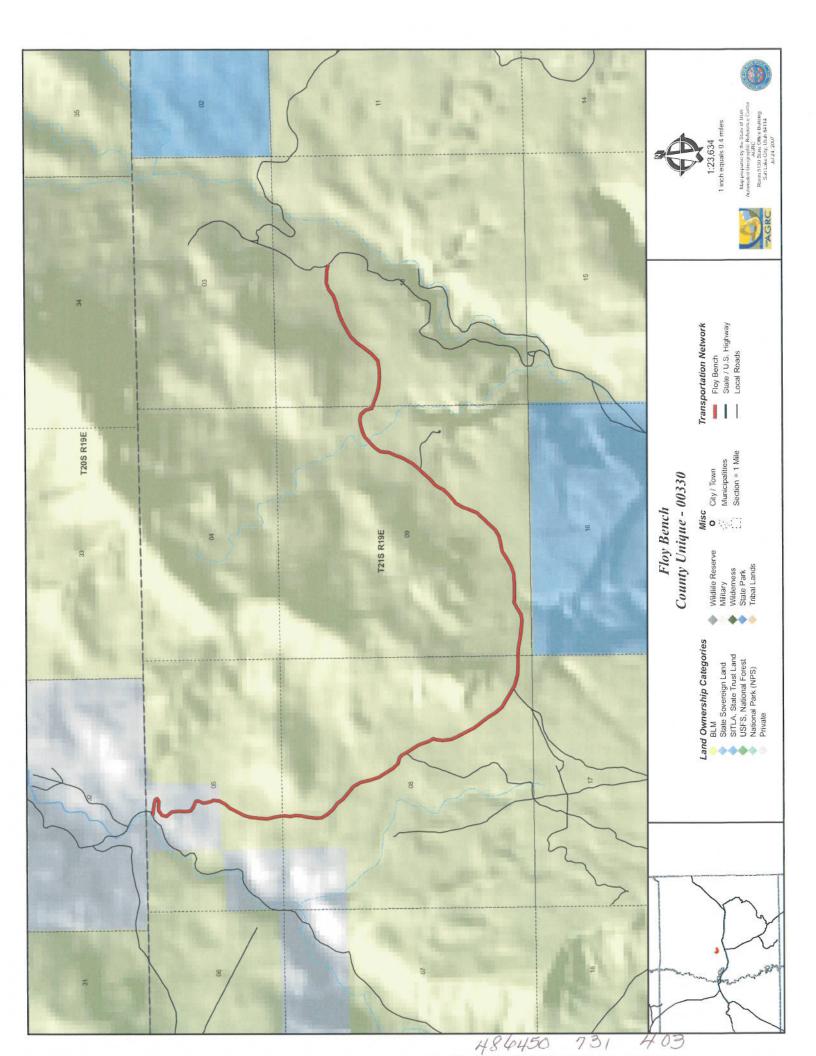
DATED this \_\_\_\_ day of August, 2007.

NEAL SWISHER

SUBSCRIBED AND SWORN to before me this day of August, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Morei Melyade NOTARY PUBLIC



### Appendix A to Attachment 4

Popular Name: FLOY BENCH ROAD

County: Grand

County Road Number: 00330

State Geographic Information Database (SGID) Road Identification Number: RD100159.

Road-Segment Number: 002

Road-Segment Length: 3.49 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 21 South Range 19 East, Section(s) 5,8,9,10, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (FLOY BENCH ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 39 degrees 00 minutes 41.31 seconds North Latitude and -109 degrees 50 minutes 39.58 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,110,867.6 feet and Y = 6,813,028.8 feet; thence the following courses along the said road center line:

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thence South 29 Degrees 41 Minutes 17 Seconds West 141 feet thence South 38 Degrees 12 Minutes 09 Seconds West 130.1 feet thence South 26 Degrees 33 Minutes 27 Seconds West 160.1 feet thence South 27 Degrees 39 Minutes 51 Seconds West 169.1 feet thence South 15 Degrees 09 Minutes 33 Seconds West 132.8 feet thence South 07 Degrees 31 Minutes 11 Seconds West 175.6 feet thence South 03 Degrees 38 Minutes 21 Seconds West 177.6 feet thence South 13 Degrees 57 Minutes 05 Seconds East 163.8 feet thence South 10 Degrees 11 Minutes 30 Seconds East 123.2 feet thence South 02 Degrees 47 Minutes 07 Seconds East 46 feet thence South 02 Degrees 44 Minutes 52 Seconds East 46 feet
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thence South 05 Degrees 49 Minutes 40 Seconds West 120.5 feet
thence South 12 Degrees 04 Minutes 08 Seconds East 103.9 feet
thence South 04 Degrees 02 Minutes 01 Seconds West 126.7 feet
thence South 10 Degrees 37 Minutes 55 Seconds West 133.7 feet
thence South 06 Degrees 13 Minutes 37 Seconds West 125.5 feet
thence South 04 Degrees 34 Minutes 12 Seconds West 62.6 feet
thence South 03 Degrees 55 Minutes 04 Seconds East 111.8 feet
thence South 31 Degrees 45 Minutes 26 Seconds East 136.5 feet
thence South 41 Degrees 20 Minutes 33 Seconds East 154.4 feet
thence South 54 Degrees 26 Minutes 23 Seconds East 156.7 feet
thence South 36 Degrees 57 Minutes 10 Seconds East 153.3 feet
thence South 51 Degrees 24 Minutes 50 Seconds East 169.8 feet
thence South 49 Degrees 08 Minutes 18 Seconds East 179.4 feet
thence South 27 Degrees 47 Minutes 19 Seconds East 177.5 feet
thence South 14 Degrees 32 Minutes 33 Seconds East 189.6 feet
thence South 18 Degrees 22 Minutes 03 Seconds East 191.5 feet
thence South 31 Degrees 34 Minutes 07 Seconds East 195.7 feet
thence South 32 Degrees 55 Minutes 17 Seconds East 153.9 feet
thence South 36 Degrees 45 Minutes 38 Seconds East 40.8 feet
thence South 44 Degrees 51 Minutes 21 Seconds East 105.9 feet
thence South 75 Degrees 11 Minutes 53 Seconds East 132 feet
thence South 45 Degrees 51 Minutes 03 Seconds East 79.6 feet
thence South 26 Degrees 21 Minutes 34 Seconds East 96.8 feet
thence South 41 Degrees 01 Minutes 43 Seconds East 2.2 feet
thence South 32 Degrees 42 Minutes 26 Seconds East 297.3 feet
thence South 22 Degrees 42 Minutes 41 Seconds East 102.9 feet
thence South 16 Degrees 39 Minutes 29 Seconds East 129.9 feet
thence South 32 Degrees 24 Minutes 58 Seconds East 118.1 feet
thence South 19 Degrees 19 Minutes 13 Seconds West 73.2 feet
thence South 05 Degrees 50 Minutes 50 Seconds West 135.3 feet
thence South 08 Degrees 21 Minutes 14 Seconds East 182.3 feet
thence South 23 Degrees 55 Minutes 41 Seconds East 155.8 feet
thence South 28 Degrees 54 Minutes 03 Seconds East 199.9 feet
thence South 25 Degrees 10 Minutes 49 Seconds East 177.2 feet
thence South 37 Degrees 31 Minutes 35 Seconds East 144.2 feet
thence South 38 Degrees 20 Minutes 52 Seconds East 122.9 feet
thence South 37 Degrees 57 Minutes 05 Seconds East 101.5 feet
thence South 33 Degrees 08 Minutes 41 Seconds East 74.2 feet
thence South 31 Degrees 01 Minutes 31 Seconds East 106.9 feet
thence South 40 Degrees 53 Minutes 14 Seconds East 181.4 feet
thence South 59 Degrees 52 Minutes 19 Seconds East 220.1 feet
thence South 59 Degrees 55 Minutes 59 Seconds East 204.3 feet
thence South 59 Degrees 36 Minutes 38 Seconds East 48.2 feet
thence South 59 Degrees 55 Minutes 22 Seconds East 51.9 feet
thence South 72 Degrees 04 Minutes 24 Seconds East 125.7 feet
thence South 79 Degrees 23 Minutes 55 Seconds East 129.8 feet
thence South 86 Degrees 49 Minutes 29 Seconds East 160.9 feet
thence North 89 Degrees 11 Minutes 01 Seconds East 194.7 feet
thence South 86 Degrees 46 Minutes 25 Seconds East 28 feet
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thence South 86 Degrees 47 Minutes 44 Seconds East 158 feet
thence South 81 Degrees 47 Minutes 03 Seconds East 198.7 feet
thence South 82 Degrees 14 Minutes 20 Seconds East 186.5 feet
thence South 85 Degrees 26 Minutes 35 Seconds East 192.5 feet
thence North 80 Degrees 49 Minutes 02 Seconds East 138.7 feet
thence North 59 Degrees 50 Minutes 40 Seconds East 145.2 feet
thence North 61 Degrees 28 Minutes 22 Seconds East 138.9 feet
thence South 89 Degrees 01 Minutes 25 Seconds East 71.8 feet
thence South 89 Degrees 45 Minutes 35 Seconds East 163.9 feet
thence South 88 Degrees 48 Minutes 21 Seconds East 184.7 feet
thence North 84 Degrees 54 Minutes 47 Seconds East 198 feet
thence North 69 Degrees 22 Minutes 43 Seconds East 184.6 feet
thence North 59 Degrees 47 Minutes 07 Seconds East 171.3 feet
thence North 57 Degrees 45 Minutes 28 Seconds East 164.5 feet
thence North 78 Degrees 30 Minutes 51 Seconds East 161.2 feet
thence North 77 Degrees 48 Minutes 24 Seconds East 159.7 feet
thence North 58 Degrees 52 Minutes 03 Seconds East 160.2 feet
thence North 42 Degrees 24 Minutes 21 Seconds East 176.5 feet
thence North 42 Degrees 05 Minutes 14 Seconds East 64.5 feet
thence North 43 Degrees 58 Minutes 14 Seconds East 11.5 feet
thence North 43 Degrees 23 Minutes 51 Seconds East 13.6 feet
thence North 46 Degrees 42 Minutes 44 Seconds East 106 feet
thence North 41 Degrees 34 Minutes 36 Seconds East 145.5 feet
thence North 21 Degrees 50 Minutes 33 Seconds East 163 feet
thence North 20 Degrees 48 Minutes 22 Seconds East 168.9 feet
thence North 29 Degrees 13 Minutes 33 Seconds East 158.5 feet
thence North 50 Degrees 21 Minutes 38 Seconds East 137.3 feet
thence North 46 Degrees 56 Minutes 19 Seconds East 128.2 feet
thence North 42 Degrees 58 Minutes 38 Seconds East 133 feet
thence North 24 Degrees 17 Minutes 46 Seconds East 70.4 feet
thence North 29 Degrees 38 Minutes 53 Seconds East 73.9 feet
thence North 41 Degrees 11 Minutes 53 Seconds East 76.7 feet
thence North 49 Degrees 23 Minutes 44 Seconds East 132 feet
thence North 39 Degrees 59 Minutes 10 Seconds East 144.2 feet
thence North 42 Degrees 21 Minutes 21 Seconds East 165.2 feet
thence North 39 Degrees 13 Minutes 17 Seconds East 178.8 feet
thence North 30 Degrees 56 Minutes 08 Seconds East 190.1 feet
thence North 23 Degrees 11 Minutes 55 Seconds East 111 feet
thence North 20 Degrees 36 Minutes 50 Seconds East 112.4 feet
thence North 23 Degrees 52 Minutes 32 Seconds East 138.5 feet
thence North 06 Degrees 43 Minutes 51 Seconds East 185.2 feet
thence North 31 Degrees 54 Minutes 05 Seconds East 131.9 feet
thence North 47 Degrees 10 Minutes 36 Seconds East 128.8 feet
thence North 47 Degrees 33 Minutes 54 Seconds East 66.1 feet
thence North 45 Degrees 39 Minutes 53 Seconds East 125.2 feet
thence North 66 Degrees 10 Minutes 25 Seconds East 131.7 feet
thence North 77 Degrees 24 Minutes 06 Seconds East 115.9 feet
thence North 78 Degrees 44 Minutes 13 Seconds East 121.2 feet
thence South 80 Degrees 02 Minutes 43 Seconds East 119.4 feet
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thence South 44 Degrees 20 Minutes 44 Seconds East 134.6 feet
thence South 17 Degrees 36 Minutes 28 Seconds East 140.9 feet
thence South 71 Degrees 26 Minutes 50 Seconds East 40.9 feet
thence South 71 Degrees 28 Minutes 11 Seconds East 86 feet
thence South 70 Degrees 40 Minutes 46 Seconds East 97.6 feet
thence South 70 Degrees 29 Minutes 51 Seconds East 135.4 feet
thence South 77 Degrees 21 Minutes 29 Seconds East 131.5 feet
thence South 87 Degrees 16 Minutes 50 Seconds East 184.9 feet
thence North 87 Degrees 39 Minutes 41 Seconds East 187.6 feet
thence North 79 Degrees 15 Minutes 31 Seconds East 163.5 feet
thence North 48 Degrees 14 Minutes 33 Seconds East 186 feet
thence North 37 Degrees 57 Minutes 48 Seconds East 190.3 feet
thence North 35 Degrees 45 Minutes 37 Seconds East 192.9 feet
thence North 45 Degrees 59 Minutes 56 Seconds East 180.6 feet
thence North 59 Degrees 57 Minutes 22 Seconds East 175.5 feet
thence North 60 Degrees 37 Minutes 03 Seconds East 158.8 feet
thence North 65 Degrees 09 Minutes 55 Seconds East 150.4 feet
thence North 71 Degrees 51 Minutes 50 Seconds East 128.8 feet
thence North 75 Degrees 18 Minutes 17 Seconds East 165.4 feet
thence North 70 Degrees 36 Minutes 13 Seconds East 165.8 feet
thence North 52 Degrees 28 Minutes 32 Seconds East 154.7 feet
thence North 70 Degrees 04 Minutes 08 Seconds East 156.5 feet
thence South 87 Degrees 52 Minutes 48 Seconds East 153.3 feet
thence South 86 Degrees 20 Minutes 00 Seconds East 117.6 feet
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thence South 73 Degrees 35 Minutes 41 Seconds East 113.9 feet more or less to **the ending point at:** 39 degrees 00 minutes 16.77 seconds North Latitude and -109 degrees 48 minutes 17.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,122,146.8 feet and Y = 6,810,757.1 feet.